



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1201 ELM STREET, SUITE 500
DALLAS, TEXAS 75270**

SEP 30 2019

**CERCLA 104(e) INFORMATION REQUEST
URGENT LEGAL MATTER: PROMPT REPLY REQUESTED
VIA CERTIFIED MAIL #7014 0150 0000 2454 1752**

**Fernandez Company. LTD
c/o The Lee Ranch
5000 San Mateo Rd.
San Mateo, NM 87020**

**Re: 104(e) Information Request
Johnny M Uranium Mine Site
Cibola County, New Mexico SSID A6AH**

Dear Sir or Madam:

The U.S. Environmental Protection Agency (EPA) seeks cooperation from Fernandez Company, LTD, in providing information and documents relating to the Johnny M Mine Site located in McKinley County, New Mexico (the Site). Obtained information will aid the EPA in its investigation of the release or threat of release of certain hazardous substances, pollutants or contaminants at the Site. The response will also help the EPA develop a better understanding of activities that occurred at the Site.

This information request is not a determination that you are responsible or potentially responsible for contamination that occurred at the Site. The EPA is sending this letter as part of its investigation of the Site and does not expect you to pay for or perform any site-related activities at this time. If the EPA determines that you are responsible or potentially responsible for response activities at the Site, you will receive a separate letter clearly stating such a determination as well as the EPA's basis for such determination.

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 104(e), 42 U.S.C. §9604(e), gives the EPA the authority to require the respondent to respond to this information request (see Enclosure 1). We encourage you to give this matter your full attention, and we respectfully request you to respond to this request for information within thirty (30) days of receipt of this letter. You may designate another official with the requisite authority to respond on behalf of yourself. However, failure to respond to this information request may result in the EPA seeking penalties of up to \$55,907 per day of violation. In addition, furnishing false, fictitious or fraudulent statements or representations is subject to criminal penalty under 18 U.S.C. §1001.

Please provide a written response to Mr. Kevin Shade, Grants Mining District Coordinator, at the address included in the Information Request. Please refer to Enclosure 2 for important instructions and definitions and Enclosure 3 for specific questions that require your response to this Information Request.



100019145

If you have any questions regarding this letter, contact Mr. Shade at (214) 665-2708. For legal questions concerning this letter, please have your legal counsel contact Ms. Pam Travis, Attorney, at (214) 665-8056. Thank you for your attention to this matter.

Sincerely yours,

A handwritten signature in black ink that reads "Susan D. Webster". The signature is written in a cursive, flowing style.

Susan D. Webster, Chief
Assessment & Enforcement Branch

Enclosures (3)

ENCLOSURE 1

JOHNNY M MINE SITE INFORMATION REQUEST

RESPONSE TO INFORMATION REQUEST

Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the federal "Superfund" law, the U.S. Environmental Protection Agency (EPA) responds to the release or threat of release of hazardous substances, pollutants or contaminants into the environment to stop additional contamination and to clean-up or otherwise address any prior contamination.

EPA is requesting information under CERCLA Section 104(e). Section 104(e) may be found in the United States Code (U.S.C.) at Title 42 Section (section is denoted by the symbol "§") 9604(e). 42 U.S.C. §9604(e).

Pursuant to the authority of CERCLA §104(e), you are hereby requested to respond to the enclosed information request. If you have any questions concerning the Site's history or this information request letter, please contact Mr. Kevin Shade, Grants Mining District Coordinator, at phone number (214) 665-2708, fax number (214) 665-6660, or via email at shade.kevin@epa.gov. Please mail your response within 30 calendar days of your receipt of this request to the following address:

Kevin Shade, Grants Mining District Coordinator
U.S. Environmental Protection Agency, Region 6 (SEDAE)
1201 Elm Street, Suite 500
Dallas, TX 75270

If you or your attorney have legal questions that pertain to this information letter request, please contact Ms. Pam Travis at phone number (214) 665-8056, fax number (214) 665-6660 or via email at Travis.Pamela@epa.gov. For contact via mail, use the following address:

Ms. Pam Travis, Attorney
Office of Regional Counsel (ORCS)
U.S. Environmental Protection Agency, Region 6
1201 Elm Street, Suite 500
Dallas, TX 75270

BACKGROUND INFORMATION

The Johnny M Mine Site was an underground uranium mine operated by Ranchers Exploration and Development, which merged with Hecla Mining Company in 1984. Active mining and production occurred from 1972-1982. The mine used mill waste from the Kerr McGee Mill for underground structural support from 1977-1982 under license from The New Mexico Environmental Improvement Division. Regulatory oversight was transferred to the Nuclear Regulatory Commission (NRC) in 1986. The NRC terminated the Material Source License in 1993 upon completion of limited closure and reclamation.

EPA's Airborne Spectral Photometric Environmental Collection Technology (ASPECT) aircraft, identified elevated radiation levels at the Johnny M Mine during a 2009 overflight. The overflight was part of an initial delineation of radiological contamination in the non-Navajo areas of the Grants Mining

District (GMD). EPA began detailed ground level studies of the area in 2010 to further delineate the extent of contamination within the GMD. EPA conducted a time critical removal in 2011 to address risk to a private residence and business located on the property. This action involved a temporary relocation of the resident. The property was eventually acquired by a subsidiary of Hecla Mining Company.

The Engineering Evaluation and Cost Analysis (EE/CA) was completed by Hecla Mining Company under a 2012 Settlement Agreement and Administrative Order on Consent for Removal Action (AOC). The AOC required Hecla Mining Company to investigate contamination at the Site and recommend the most effective and efficient method to address risk to human health and the environment. The investigation identified radium-226 and uranium as the constituents of potential concern and identified potential cleanup alternatives. The EE/CA will be released for public comment in or around October 2019.

ENCLOSURE 2

JOHNNY M MINE SITE INFORMATION REQUEST

INSTRUCTIONS and DEFINITIONS

INSTRUCTIONS

1. Please provide a separate narrative response for each and every Question and subpart of a Question set forth in this Information Request.
2. Precede each answer with the Question (or subpart) and the number of the Question (and the letter of a subpart of a Question, if applicable) to which it corresponds.
3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, *you must supplement* your response to the U.S. Environmental Protection Agency (EPA). Moreover, should you find, at any time, after submission of your response, that any portion of the submitted information is false or misrepresents the truth, or, though correct when made, is no longer true, you must notify EPA of this fact as soon as possible and provide EPA with a corrected response.
4. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question (and the letter of a subpart of a Question, if applicable) to which it responds.
5. You may assert a business confidentiality claim covering part or all of the information which you submit in response to this request. Any such claim must be made by placing on (or attaching to) the information, at the time it is submitted to EPA, a cover sheet or a stamped or typed legend or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Confidential portions of otherwise non-confidential documents should be clearly identified and may be submitted separately to facilitate identification and handling by EPA. If you make such a claim, the information covered by that claim will be disclosed by EPA only to the extent, and by means of the procedures, set forth in subpart B of 40 CFR Part 2. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you. The requirements of 40 CFR Part 2 regarding business confidentiality claims were published in the Federal Register on September 1, 1976, and were amended September 8, 1976, and December 18, 1985.
6. Personal Privacy Information. Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."
7. Objections to questions. If you have objections to some or all the questions within the Information Request Letter, you are still required to respond to each of the questions.

DEFINITIONS

The following definitions shall apply to the following words as they appear in this enclosure:

1. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
2. The term "any", as in "any documents" for example, shall mean "any and all."
3. The term "arrangement" means every separate contract or other agreement between two or more persons.
4. The terms "document(s)" and "documentation" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, telecopy, telefax, report, notice, message, analysis, comparison, graph, chart, map, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with the printouts of such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document. The term "document" shall also mean any electronically stored information, including but not limited to emails, word processing files, spreadsheets, presentations, databases, geographic information system ("GIS") maps, computer-aided design files, scanned or digital photos, and scanned document images.
5. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business and personal addresses, email address(es), and telephone numbers, and present or last known job title, position or business. Also provide e-mail addresses.
6. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including, but not limited to, a sole proprietorship), to set forth its full name, address, and legal form (e.g. corporation [including state of incorporation], partnership, etc.) organization, if any, a brief description of its business, and to indicate whether or not it is still in existence and, if it is no longer in existence, to explain how its existence was terminated and to indicate the date on which it ceased to exist. Also provide e-mail addresses.
7. The term "identify" means, with respect to a document, to provide the type of document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), subject matter, the identity of the author, addressor, addressee and/or recipient, and the present location of such document.

8. The term "mine waste" shall mean waste from mine prospecting, development, operation, or reclamation, including but not limited to, protore, overburden, mine discharge water, waste rock, piping, or other materials associated with mining activity.
9. The term "person" shall have the same definition as in Subsection 101 (21) of CERCLA, 42 U.S.C. § 9601 (21).
10. The term "Site" shall mean and include the Johnny M Mine Site located in McKinley County, New Mexico. The Site is located in Township 13N, Range 8W on multiple sections, including all or portions of Section 7, 13, and 18.
11. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, partners, successors and agents.
12. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
13. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 CFR Part 300 or 40 CFR Parts 260-280, in which case the statutory or regulatory definitions shall apply.

ENCLOSURE 3

JOHNNY M MINE SITE INFORMATION REQUEST

QUESTIONS

1. Please identify those individuals who assisted in the preparation of this information response. For each individual, provide the following: name, current or last known address, e-mail address, and telephone number.
2. Please provide the articles of incorporation and by-laws for Fernandez Company, LTD. Identify all current corporate officers and their contact information.
3. Was Fernandez Company, LTD. ever dissolved, either formally or otherwise? If so, describe the dissolution of the company. In your description, identify to whom the assets were transferred and to whom the liabilities were transferred.
4. Please describe the relationship between Fernandez Company, LTD. and the Lee Ranch.
5. Identify all of Fernandez Company, LTD.'s predecessor corporations.
6. Identify all of subsidiaries of the Fernandez Company, LTD.'s predecessor corporations.
7. Please provide documentation that supports Fernandez Company, LTD. or Lee Ranch's ownership of Sections 7 and 13 and the East Half of Section 18 of Township 13 North, Range 8 West, of McKinley County, NM. If neither entity no longer owns the property, provide documentation that shows the transfer of the property.
8. If not provided in question 7, above, please provide documentation of the ownership of the property since 1972 when mining operations began.
9. Identify and provide any documents regarding leases, agreements, or contracts between Fernandez Company, LTD. and/or Lee Ranch, and any former mine operator, including Ranchers Exploration and Development Corporation, Hecla (including its predecessors and subsidiaries), or any other entity for the Johnny M Mine.
10. Describe the activities or operations which were conducted at the Johnny M Mine by Fernandez Company, LTD and/or Lee Ranch. Provide documents in your possession which describes those operations which occurred at that mine.
11. Identify and describe all reclamation or cleanup efforts made by Fernandez Company, LTD. and/or Lee Ranch to address waste by-products and/or prevent potential releases of hazardous substances.
12. Provide any claims, permits, licenses, closure plans, or other legal documents governing development, operation, or closure of each mine.

U.S. Postal ServiceTM
CERTIFIED MAILTM RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)
 For delivery information visit our website at www.usps.com
OFFICIAL USE

7014 0150 0000 2454 1752

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Pk	

SEP 30 2019

Postmark
Here

Sent To
 Street, Apt.
 or PO Box
 City, State

Fernandez Company, LTD
 c/o The Lee Ranch
 5000 San Mateo Road
 San Mateo, NM 87020

PS Form 3800, August 2006 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <i>[Signature]</i> <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>Harry RANDEL</i></p> <p>C. Date of Delivery <i>--19</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p>Fernandez Company, LTD c/o The Lee Ranch 5000 San Mateo Road San Mateo, NM 87020</p>	<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered MailTM <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Collect on Delivery <input checked="" type="checkbox"/> Signature ConfirmationTM <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery</p>
<p>2. Article Number (Transfer from service label)</p> <p>7014 0150 0000 2454 1752</p>	<p>OCT 08 2019</p>

PS Form 3811, April 2015 PSN 7530-02-000-9053 Domestic Return Receipt



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1201 ELM STREET, SUITE 500
DALLAS, TEXAS 75270

SEP 30 2019

CERCLA 104(e) INFORMATION REQUEST
URGENT LEGAL MATTER: PROMPT REPLY REQUESTED
VIA CERTIFIED MAIL #7014 0150 0000 2454 1752

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Re: 104(e) Information Request
Johnny M Uranium Mine Site
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104(e)/Johnny M Mine – 09/23/19 – K. Shade

K. Shade SEDAS	D. Eppler SEDAE	P. Travis (acting) ORCS	L. Johnson SEDAE	S. Webster SEDA
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Sincerely yours,

Susan D. Webster, Chief
Assessment & Enforcement Branch

Enclosures (3)

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URGENT LEGAL MATTER: PROMPT REPLY REQUESTED
VIA CERTIFIED MAIL #

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c/o The Lee Ranch
5000 San Mateo Rd.
San Mateo, NM 87020

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Cibola County, New Mexico SSID A6AH

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K. Shade SEDAS	D. Eppler SEDAE	P. Travis (acting) ORCS	L. Johnson SEDAE	S. Webster SEDA
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Sincerely yours,

Susan D. Webster, Chief
Assessment & Enforcement Branch

Enclosures (3)

Date

09/23/19

ROUTING AND TRANSMITTAL SLIP

TO: (Name, office symbol, room number,
building, Agency/Post)

Initials

Date

1. Kevin Shade SEDAS

KAS

9/23/19

2. David Eppler SEDAE

DE

9/23/19

3. Pam Travis ORCS

PTT

09/23/19

4. Lydia Johnson SEDAE

LJ

9/24/19

5. ~~Deborah Greenwell SEDA~~

dg

9/25

6. Susan Webster SEDA

SW

9/25

7.

8.

9.

10.

<input type="checkbox"/> Action	<input type="checkbox"/> File	<input type="checkbox"/> Note and Return
<input checked="" type="checkbox"/> Approval	<input type="checkbox"/> For Clearance	<input type="checkbox"/> Per Conversation
<input type="checkbox"/> As Requested	<input type="checkbox"/> For Correction	<input type="checkbox"/> Prepare Reply
<input checked="" type="checkbox"/> Circulate	<input type="checkbox"/> For Your Information	<input type="checkbox"/> See Me
<input type="checkbox"/> Comment	<input type="checkbox"/> Investigate	<input checked="" type="checkbox"/> Signature
<input type="checkbox"/> Coordination	<input type="checkbox"/> Justify	

REMARKS

JOHNNY M URANIUM MINE 104(e) INFORMATION REQUEST

DO NOT use this form as a RECORD of approvals, concurrences, disposals,
clearances, and similar actions

FROM: (Name, org. symbol, Agency/Post)

KEVIN SHADE

Room No. - Bldg.
SEDASPhone No.
(214) 665-2708OPTIONAL FORM 41 (Rev. 1-94)
Prescribed by GSA